

Remarks

In light of the above amendments and the following remarks, Applicants respectfully request reconsideration of the rejections and that the case pass to issue. Applicants kindly thank the Examiner for noting the allowability of dependent claims 8 and 11-22.

Claims 1-24 rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. In particular, the Examiner set forth rejections with respect to claims 1, 7, 8, 9, 12, and 23. In response, these claims have been amended as suggested by the Examiner and are now believed to overcome the rejections.

Claims 1, 2, 4-6, 9, 10, and 23 are rejected under 35 U.S.C. § 102(e) as being anticipated by Mattarella. Claim 1, the only rejected independent claim, recites in part, "an actuator associated with the seat part and the backrest to move the seat part forward away from the backrest during the folding over of the backrest." Mattarella fails to teach this limitation.

Mattarella teaches the following:

As intended by the present invention, a **person can pull one of the handles 188 to rotate the seat bottom 50 forwardly relative to the vehicle 10 to a cargo carrying position**, shown in solid lines in FIG. 10. Also, a person can rotate the seat bottom 50 rearwardly from the cargo carrying position to a seating position, shown in phantom in FIG. 10. (Column 8, lines 14-19 Emphasis Added)

xxx

As also discussed further below, **the seat bottom 50 can be rotated forwardly to its cargo carrying position, thereby unlocking the seat back 48 and permitting the seat back 48 to be manually pushed downwardly to a cargo carrying position**. In the cargo carrying position, the seat back 48 assumes a horizontal orientation and a cargo carrying

configuration of the rear seat assembly 46 is established. Importantly, the above manipulations of the rear seat assembly 46 are accomplished without requiring the operation of release/lock knobs and operators, and require only the above-discussed manipulation of the handles 188 and seat back 48. (Column 8, lines 35-46)

In Mattarella, the seat bottom is moved forward by a user pulling handles attached to the seat bottom. The seat back is unlocked and capable of being pushed down only after the seat bottom is moved forward. In contrast, claim 1 recites an actuator associated with the seat part (bottom) moves the seat part forward during the folding over of the backrest. Mattarella fails to disclose a structure that moves the seat bottom forward. Moreover, Mattarella fails to disclose that the seat bottom moves forward during folding over of the seat back. Accordingly, Mattarella fails to anticipate claim 1 and claims 2-23 which depend therefrom.

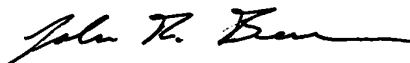
Claims 1-3 and 9 are rejected under 35 U.S.C. § 102(e) as being anticipated by DE 19,836,907 (hereinafter referred to as the German reference). Like Mattarella, the German reference fails to teach any means for moving the seat part forward during folding over of the backrest. In contrast, the German reference merely shows that the seat part 1a and a side rest 3 of the seat part 1a can be pushed forward into a non-used position. There is no teaching that the seat part 1a and the side rest 3 are moved forward by an actuator during movement of the backrest 2. Accordingly, the German reference fails to anticipate claim 1 and claims 2, 3, and 9 which depend therefrom.

Claim 7 is rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Mattarella and Koide and the combination of the German reference and Koide. Koide merely relates to a seatbelt system for a vehicle designed to protect an occupant when an emergency situation of the vehicle occurs. Koide fails to make up for the above-identified deficiencies of Mattarella and the German reference. Accordingly, claim 7 which depends from claim 1, is patentable for at least the same reason that claim 1 is patentable.

In view of the foregoing, Applicants respectfully assert that each rejection has been fully replied to and transversed and that the case is in condition to pass to issue. The Examiner is invited to call the undersigned attorney if it would advance the prosecution of this case. The Examiner is respectfully request to pass this case to issue.

Respectfully submitted,

STANISLAW A. WIECLAWSKI

By 

John R. Buser
Reg. No. 51,517
Attorney/Agent for Applicant

Date: 11-14-03

BROOKS KUSHMAN P.C.
1000 Town Center, 22nd Floor
Southfield, MI 48075-1238
Phone: 248-358-4400
Fax: 248-358-3351